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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,599	08/05/2003	George M. Gordon	3342	6503

27727 7590 03/24/2005
PEDERSEN & COMPANY, PLLC
P.O. BOX 2666
BOISE, ID 83701

EXAMINER

CONLEY, FREDRICK C

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/634,599

Applicant(s)

GORDON ET AL.

Examiner

FREDRICK C CONLEY

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-11,13 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 15-18 is/are allowed.
- 6) ☒ Claim(s) 1,4,5,8-11,13 and 19 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-5, 8-11, 13, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. Des. 376,689 to Doppelt in view of U.S. Pat. No. 5,099,530 to Scott.

Claims 1 and 19, Doppelt discloses a sleeping pad comprising:

a mat with a top end and a bottom end, a opposing surfaces;

a storage pouch on a surface of the mat at or near said bottom end of said mat, the storage pouch being equal in width to the mat (fig. 6);

wherein the storage pouch comprises a lower half that is a portion of a surface of the mat and an upper half that is a flap on the opposing surface of the mat, the upper half having a bottom edge and two side edges that are attached to said mat, and a top edge that is the extremity of the pouch nearest the top end of the mat, wherein said top edge is unattached from said mat to form an opening into the storage pouch that is adapted to receive the portion of the mat not covered by the pouch. Doppelt fails to disclose a pillow and a blanket. Scott discloses a mat having a pillow at or near the top end of said mat (col. 4 lines 17-18) and a blanket 18. It would have been obvious to one having ordinary skill in the art at the time of the invention to employ a pillow near the top end of the mat and attach a blanket to the storage pouch in order to provide comfort

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during resting and cover a person laying on the top of the mat of Doppelt. With regards to the storage pouch and the flap being a portion of the upper surface of the mat, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. In this case, the bottom surface of the mat of Doppelt is clearly capable of being used as the upper surface of the mat. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963).

Claim 4, wherein said blanket is detachable from and re-attachable to said mat storage pouch (col. 4 lines 47-56)(Scott).

Claim 5, wherein said blanket is attached and detached with a hook and loop connection system (col. 4 lines 54-56)(Scott).

Claims 8 and 13, Doppelt, as modified, discloses the claimed invention wherein the pillow is rectangular. Doppelt fails to disclose the pillow integral with the mat and the pouch rectangular. It would have been an obvious to have the pillow integral with mat and the pouch rectangular, since Applicant has not disclosed that an integral pillow or rectangular pouch are critical and it would appear that the pillow and pouch taught by Doppelt would perform equally well.

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Claim 9, wherein a handle is positioned on the bottom end of the pad (fig. 6)(Doppelt).

Claim 10, wherein said storage pouch comprises: said pocket being generally equal in width to said mat and extending upward from said bottom end of said mat 1/6 - 1/3 of the way to the top end of the mat (fig. 3)(Doppelt).

Claim 11, wherein the blanket is generally rectangular and has a bottom edge, a top edge, sides edges, and two top corners and two bottom corners, and wherein said blanket is removably attached to the sleeping pad only at said bottom edge and said two bottom corners (fig. 4)(Scott).

Allowable Subject Matter

Claims 15-18 are allowed.

Claims 6-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1, 4-5, 8-11, 13, and 19 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FREDRICK C CONLEY whose telephone number is 703-308-7468. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HEATHER SHACKELFORD can be reached on 703-308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HEATHER SHACKELFORD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

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